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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,952	03/18/2002	Ryuji Ishiguro	SONYJP-161	1747
530 7590 07/11/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER	
			LIPMAN, JACOB	
			ART UNIT	PAPER NUMBER
			2134	
			MAIL DATE	DELIVERY MODE
			07/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/980,952	ISHIGURO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jacob Lipman	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 23 April 2007.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 40-51 and 68-82 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 40-51 and 68-82 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 4/23/07.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The examiner has considered the information disclosure statement (IDS) submitted on 23 April 2007.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 80-82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. While reducing the amount of data in an EKB was found in the specification, the examiner did not find reducing the amount of data of the hierarchical tree structure.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 40-51 and 68-82 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama, in JP 11-187013-A. Citations of Maruyama in this rejection will be taken from the English translation provided.

With regard to claims 40, 47, 68, 73, 75, and 80-82, Maruyama discloses a device for use in an information processing system that distributes encrypted message data (pages 9-10 par. [0004], page 20 par. [0020]), the device including, a receiver (page 9 par. [03]) for receiving the encrypted message data and an enabling key block, the EKB including encrypted keys (page 13 lines 27-34) and a tag (key list, page 14 par. [10]), the encrypted keys including at least one renewed key (page 13 lines 12-14) and the tag including position discrimination data that associates each of the encrypted keys with nodes and leaves of a hierarchical tree structure (page 13 lines 1-11), a memory for storing a key set, the key set including at least one key corresponding to a node or leaf of the hierarchical tree structure (page 13); and an encryption processor operable to (a) decrypt the encrypted keys of the received EKB using the stored key set and the position discrimination data of the received EKB to recover the at least one renewed key (page 13 lines 27-36) and (b) decrypt the received encrypted message (content) using the at least one recovered renewed key (page 20 par. [0020]). The EKB only comprises key corresponding to a node of a simplified tree structure (page 13 lines 12-25) that only updates needed keys in which the intermediary keys are not present (page 21 par. [0021]).

With regard to claims 41, 69, and 74, Maruyama discloses encrypting the new key with the old key (page 4 step 740, page 19 par. [0018]).

With regard to claims 42-45 and 70-72, Maruyama discloses the EKB only comprises key corresponding to a node of a simplified tree structure (page 13 lines 12-25) that only updates needed keys (page 21 par. [0021]).

With regard to claim 46, Maruyama discloses having not less than tree branches connecting the top node with terminal nodes (page 25, [Fig 5]).

With regard to claims 48-51 and 76-79, Maruyama discloses that the block is sent, the block itself reads on a message, and the receiver needs the previous key block to decrypt this message, including keys.

#### ***Response to Arguments***

6. Applicant's arguments filed 23 April 2007 have been fully considered but they are not persuasive.

Applicant argues that Maruyama discloses putting unused keys on a single consolidated branch, but does not necessarily remove them from the tree structure. The examiner first points out that the claims do not recite removing the keys from the tree, but rather, "removing one or more unnecessary nodes being in the selected paths". As applicant admits, Maruyama does disclose removing nodes from the selected paths, by putting them in a single branch. The examiner also points out that when deleting a file from a PC, it is often moved to a "recycling bin", much like the consolidated branch of Maruyama. It is well known in the art that removing an item from a system does not necessarily mean it is totally gone, but rather that it may be placed in a designated area to prevent further use. With regard to the newly added claims, that state that the size of the tree must be reduced, the examiner notes that the hierachal tree of the claims

corresponds to the tree of Maruyama minus the branch of removed keys, which is still a tree.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

JL

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER